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Monthly report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Council resolution 1564 (2004), paragraph 17 of Council resolution 1574 (2004) and paragraph 12 of Council resolution 1590 (2005).

II. Insecurity in Darfur

2. The month of September witnessed an alarming deterioration in the security situation in all three Darfur states. During the reporting period, the frequency and intensity of the violence committed by the Sudanese Armed Forces and the Popular Defence Forces, Government-aligned tribal militia and the armed movements — including in particular the Sudan Liberation Movement/Army (SLM/A) — reached levels unseen since January 2005.

3. During September there were numerous violent incidents initiated either by the Sudanese Armed Forces, the Popular Defence Forces and tribal militias, or SLM/A in both Northern and Southern Darfur. In Northern Darfur, tribal militia struck villages in a number of locations, including in Shangil Tobayi area, Um Maharek (a village in a part of Northern Darfur that had been relatively quiet for almost a year) and also an area south of Tawilla town. In Southern Darfur, one of the more devastating clashes occurred on 19 September when SLM/A attacked positions of the Sudanese Armed Forces in and around the village of Shaeria. The attack forced many civilians to seek shelter outside the town, the Sudanese Armed Forces suffered dozens of casualties and SLM/A made off with quantities of arms, munitions, fuel and other supplies. On 29 September, there was another attack on Tawilla town itself, when Government police and Sudanese Armed Forces units entered the town and, later, the adjacent Dali camp for internally displaced persons, firing at civilians indiscriminately and without provocation.

4. The security situation in Western Darfur worsened dramatically as well. Banditry and hijacking along roads from Geneina reached such dire levels during the month of September that all roads leading south, west and east from the town are now either "off-limits" for United Nations staff and critical movements can proceed only with authorized armed escorts. This has had a pronounced effect on the delivery of humanitarian aid to the area. There are many indications that local

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authorities are increasingly unwilling or incapable of controlling the tribal militia and armed gangs operating in the area. The tenuous position of law enforcement officials in the state was underscored a number of times in September when the authority of the police was challenged by armed gangs or militia members. The police do not appear to have the capacity to enforce laws when a case involves large armed groups or militia.

5. Banditry and lawlessness were the primary cause of insecurity in Western Darfur during September. However, and as was the case in Northern and Southen Darfur, there was also politically motivated violence in the west of the region. The largest and deadliest of these incidents was the unprovoked attack by tribal militia on the Aro Sharow internally displaced person camp and the villages of Gosmino and Ardja in the Kulbus area of Western Darfur near the border with Chad, which took place on 28 September. The latest information available indicates that 35 internally displaced persons were killed and 10 wounded in the violence, and over 4,000 internally displaced persons and villagers were forced to flee. Government forces intervened late in the course of events by firing from inside their own camp, but their efforts came too late and were inadequate to save lives or property. Beyond its immediate consequences, the attack on Aro Sharow and nearby villages is a grave source of concern because it may signal the start of deliberate targeting of internally displaced person populations by militia and the inability, or unwillingness, of Government forces to provide effective protection for the camps and villages where the internally displaced persons reside.

6. The volatile security situation during September also took a toll on international personnel working in Darfur. Humanitarian aid workers were harassed and assaulted frequently during banditry incidents. It has become clear that those perpetrating these attacks are assaulting both national and international aid workers with increasing cruelty and violence. Armed international personnel were not immune to the violence either, as three force protection soldiers of the African Union Mission in the Sudan (AMIS) were wounded in September while conducting patrols. In all cases, the AMIS soldiers were the deliberate targets of gunfire from unknown assailants.

7. The Government's record during the reporting period is troubling because of the evidence that its forces triggered some of the incidents, and because there are clear indications that, in many cases, the tribal militia operated with enabling support from the Government. These attacks were confirmed by the Head of AMIS, Baba Gana Kingibe, who announced in a press conference on 1 October that the Sudanese Armed Forces had conducted "coordinated offensive operations" with tribal militia on four occasions since 18 September. This assessment is corroborated by evidence gathered from survivors of the militia attacks on villages.

8. The SLM/A and the tribal militia must also share some responsibility for the deterioration in security, insofar as these groups instigated a significant number of attacks. The irresponsible looting of large numbers of cattle during the seasonal movement of livestock to the south has also played a major role in the escalation of violence, provoking cruel retaliations, often against innocent people.

9. Both the Government and SLM/A have demonstrated a clear disregard for the commitments they undertook in the Ceasefire Agreement of April 2004, the Humanitarian and Security Protocols of November 2004 and the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur of 5 July 2005. The

Government's continued support to and cooperation with tribal militia also illustrated clear disregard for Security Council resolutions and obligations to disarm, demobilize and bring to justice the very same militia. For its part, SML/A, or at least some groups of the armed movement, clearly chose to increase their military campaign at a time when talks on Darfur opened at Abuja, risking the progress in the talks.

III. Protection

10. Many internally displaced persons who returned to their villages of origin have been displaced again and forced to seek refuge in camps as a result of deliberate attacks on villages by militia. September's fresh violence directed against the civilian population caused tens of thousands of civilians to be displaced. Even as these new displacements occur the Government is not responding with sufficient determination to protect the rights of those internally displaced persons who returned to their land for the agricultural season and found their property occupied by nomads. There are still many reports of people who have been assaulted who do not want to go to the police, either because they have had the experience that this does not serve any purpose, or out of fear of reprisals.

11. In another disturbing development, reports during the month of September showed an increase in the number of attacks on women in and outside the camps. In Kalma camp, Southern Darfur, around 60 attacks on women were reported in one week alone. Rape cases also continued in Western Darfur. In addition, girls under 18 years of age are overrepresented in reports of sexual violence. A study by the Office of the United Nations High Commissioner for Human Rights in July 2005, which was based on 230 sexual and gender-based violence reports, found that 30 per cent of the victims were girls under 18; other studies show even higher prevalence rates. A study by the United Nations Population Fund (UNFPA)/United Nations Children's Fund (UNICEF) released in September underlined the detrimental affects on the girls' health and their marriage prospects. Many girls have given birth as a result of rape. Although local communities are trying to accept the offspring, the children face a great deal of stigmatization. I am deeply concerned that the practice of sexual violence against children will undermine the prospect of peaceful coexistence in Darfur for years to come.

12. The commercial blockade of Kalma camp by the Government, following the 20 May riots, is still ongoing. In addition to the increased tensions in the camp, the blockade is continuing to bring additional hardship for the internally displaced persons, especially given the lack of fresh food commodities and the missed economic opportunities. My representatives and others have repeatedly sought the removal of the ban but it has remained in place for four months, with the expected negative effects on the camp population.

13. Reports of children being abducted during the recent attacks on civilian populations demonstrate the horrible price being paid by the children of Darfur in this civil war. Using children for military purposes violates international and Sudanese law and is a war crime that falls within the jurisdiction of the International Criminal Court. I am pleased to report that 513 children in the Jebel Marra region were demobilized in August by SLM/A, with the support of UNICEF. Nevertheless,

I remain deeply concerned that parties, the movements as well as the militia, continue to use children as combatants.

IV. Human rights

14. Human rights officers from the United Nations Mission in the Sudan (UNMIS) have continued to document cases of killings of civilians, as well as torture and sexual and gender-based violence, during attacks. For example, on 9 September, in Tawilla, Northern Darfur, Government forces responded to a grenade incident in an indiscriminate and disproportionate manner, leaving at least 5 civilians killed and 29 injured, 30 houses and stores burnt and 30 families displaced. I am very concerned that if the situation in Darfur deteriorates further, the number of human rights violations will increase.

15. Since its establishment in June 2005, the Special Criminal Court on the Events in Darfur has pronounced verdicts in five cases. Presently there is only one case before the Court, which involves an appeal. I urge the Government and all relevant actors to support the work and independence of the Court so that it may address violations of human rights and humanitarian law in a more comprehensive manner. The effective functioning of the court is a prerequisite for reversing the climate of impunity that persists in Darfur.

16. On a more positive note, the Joint Implementation Mechanism Subcommittee on protection and human rights met on 18 September. Agreement was reached on form 8, the mechanism for recording medical evidence from victims of rape, to ensure access to medical care for victims of sexual violence and to end the harassment of medical providers to victims of sexual and gender-based violence. The Government also further outlined the content of its plan of action to eliminate violence against women in Darfur. I welcome these steps and urge the Government to implement these positive commitments as soon as possible.

17. At the meeting of the Subcommittee, the Government also stated that the United Nations had been given access to all places of detention in Darfur, including access to persons detained by national security and military intelligence. In Southern Darfur, human rights officers were permitted to visit the Kuria prison in Nyala, were granted access to all cells in the prison and were allowed to interview a number of prisoners in private. However, in Western Darfur, Government military intelligence officials have informed human rights officers that instructions had been issued to refuse access to military barracks, including detention facilities, by all foreigners. I urge the Government to ensure United Nations personnel access to all places of detentions in Darfur.

V. Humanitarian situation

18. The number of people affected by the conflict has stabilized. On 1 September, some 3.3 million Darfurians were in need of humanitarian assistance, with resident populations constituting 45 per cent of all affected people in Darfur. The number of internally displaced persons among them is currently 1.8 million.

19. The overall humanitarian situation in Darfur continues to improve, despite continuous insecurity and new population displacements in September. The number

of admissions to therapeutic and supplementary feeding centres is slowly declining, although malnutrition rates in some locations remain high. Epidemics have been avoided by a coordinated preparedness and efficient intervention of the humanitarian community. In Mukjar (Western Darfur), the recent spread of a hepatitis E outbreak was quickly stemmed. Provision of food assistance has also kept pace with the needs of the affected populations. In August, the World Food Programme (WFP) and the International Committee of the Red Cross (ICRC) distributed over 47,500 metric tons of food to 2.6 million people in over 300 locations, despite the heavy rains, which have made road access to some areas more problematic. These statistics reflect a significant increase in the total number of recipients of humanitarian assistance from January to August 2005, as joint interventions by the United Nations and non-governmental organizations are increasingly and consistently supporting vulnerable communities in remote areas and are encompassing recovery strategies. The violence of the past month seriously threatens these positive developments.

20. Relief activities were greatly hindered by a steady increase in banditry along Darfur's main roads, which has limited access of humanitarian staff and goods to some affected populations. For instance, to travel the "off-limits" roads around Geneina, humanitarian traffic required an AMIS escort. To alleviate this problem, an UNMIS helicopter assisted with the transportation of supplies and staff to and from locations south and south-east of Geneina. Insecurity has had a particularly negative impact on humanitarian access in Southern Darfur, where less than two thirds of the affected population is accessible.

21. In one positive development, the deadlock in the Geneina camps, town and surrounding villages, where corrupt internally displaced person leaders had misappropriated humanitarian assistance for many months, has been resolved with the assistance of the Government. Reregistration was undertaken and successfully completed by September in most internally displaced person settlements. A handful of camps, however, still require a reregistration process. Notable among these are Kalma camp and Al Battery camp (Kass), both in Southern Darfur, and Ardamata camp in Western Darfur.

VI. Darfur peace process

22. As I indicated in my previous report (S/2005/592, para. 20), the African Union (AU) Chief Mediator, Salim Ahmed Salim, held meetings with the parties to the Darfur peace talks in Dar es Salaam and with UNMIS in Khartoum at the end of August. During his recent visit to the Sudan Mr. Salim consulted with the parties on the next round of talks. In particular, he travelled to Darfur, where he impressed upon the Secretary-General of SLM/A, Mini Arkoy Minawi, the importance of his presence in Abuja.

23. The sixth round of talks on Darfur opened on 15 September at Abuja with a week of well-attended technical workshops on power-sharing, wealth-sharing and security. Several international resource persons, including from the United Nations, actively participated in the workshops.

24. At the request of AU, the United Nations provided air transportation to the talks for some delegates from the Justice and Equality Movement (JEM) and SLM/A, including a group of commanders from SLA. Nevertheless, the talks

opened with an air of uncertainty regarding the cohesion of the SLM/A delegation and the degree to which the faction of SLM/A Secretary-General Mini Arkoy Minawi was participating.

25. The conduct of workshops was affected by reports of a Government attack on SLM/A positions in Jebel Marra and near Al Fasher around 19 September. The violence that broke out on 19 September in Shaeria also had a negative affect on the talks. Nonetheless, at the urging of the AU mediator and international partners, all the parties continued to attend the workshops until their conclusion.

26. The parties called for a meeting of the Joint Commission to investigate the above attacks. The Commission had previously attempted to meet on 8 and 9 September in N'djamena, but neither JEM nor SLM/A sent representatives, claiming that the Government of Chad was "not neutral" in the peace process. However, on 24 September, a delegation composed of the AU, JEM and Chadian co-mediators travelled to N'djamena to meet President Idriss Déby. Following the discussions, Chad and JEM reaffirmed Chad's role as a neutral and impartial co-mediator in the peace process, agreed to refrain from all actions capable of undermining the process and also agreed to cooperate with a view to settling current and future problems through dialogue.

27. However, negotiations had not begun by the end of September. Internal division within the SLM paralysed the talks for one week, during which discussions were limited to procedural rather than substantive matters. Neither SLM faction seemed to be willing to negotiate substance, despite urgent appeals to do so by the AU mediator and representatives of the international community. When substantive talks start they are expected to focus on power-sharing, wealth-sharing and security. The current round of talks is scheduled to be completed by about 20 October and to resume in mid-November after the Eid celebrations.

28. My Special Representative, Jan Pronk, and senior personnel from UNMIS will continue to support AU in its mediation efforts as the talks progress.

VII. United Nations support to the African Union Mission in the Sudan

29. The deployment of AMIS personnel recommenced on 19 September, after a three-week pause brought about by local shortages of jet fuel for the Mission. At the end of the reporting period AMIS comprised a protection force of 4,100 troops, 634 military observers, 862 police officers as well international civilian staff. The expansion of AMIS to its fully authorised strength of 6,171 military personnel and 1,586 police officers is expected to be completed by the end of October. I continue to be seriously concerned that, despite donor generosity to date, AMIS is not receiving the support, particularly the cash funding, required for it to carry out its mandate effectively. AMIS continues to play a vital role in improving the security situation in Darfur and must receive international support to continue doing so, particularly with the security situation in the region taking a turn for the worse.

30. At the same time, I fully support the AU plans to lead an assessment mission in November to examine future peacekeeping requirements for the region. The United Nations will participate fully in the assessment, along with the other partners of AU in Darfur.

31. Collaboration between AMIS and UNMIS continues. During the reporting period, UNMIS, through the United Nations Assistance Cell to the African Union at AU headquarters, undertook intensive consultations with the AU Commission regarding proposals for United Nations assistance to AU in the procurement and management of aviation and ground fuel. It is expected that UNMIS will be able to facilitate AMIS efforts in this area beginning in early 2006. In addition, following the attack on the Aro Sharow internally displaced person camp, AMIS and UNMIS cooperated fully in the first stage of implementation of an agreement between the two Missions that provides for UNMIS human rights observers to be escorted by AMIS protection forces to scenes of possible human rights abuses. With the help of AMIS personnel, UNMIS was able to access the area more quickly and thereby gather more first-hand information than would normally be the case.

VIII. Observations

32. The resurgence of violence in Darfur is a source of serious concern and may threaten the success of peace talks in Abuja; it also lays bare a number of truths that the parties and the international community must confront. First, events in September demonstrate the Government's continued unwillingness or inability to restrain the armed tribal militia, to say nothing of disarming them. Without immediate and concrete action on this front, it is difficult to imagine any negotiated settlement having relevance on the ground. The involvement of Government forces in some of the attacks is an extremely negative development. Second, the fighting and resultant reactions to it reveal the growing divide within SLM/A. It is already clear that this divide could be an obstacle at the negotiating table. Finally, it is clear that AMIS will require additional assistance from the international community to accelerate its much needed expansion plans. To reach its full potential as a deterrent to the kind of hostilities recorded in September, AMIS must achieve full deployment, in terms of both personnel and equipment, as soon as possible.

33. So long as the above factors are ignored, the consequences for the civilians caught in the middle of the conflict will remain catastrophic. The recent brutal wave of violence makes real and lasting improvements to the humanitarian situation impossible and has forced many returnees back to the camps they had left just weeks before. This tragic reversal of fortune must not stand.

34. The plight of civilians seriously worsened during September as a direct result of disregard, by the parties, for the agreements and protocols that they have already concluded. There is also increasing evidence in Darfur of gross violations of human rights and humanitarian law. Positive trends in previous months, with regard to respect for human rights have been badly undermined.

35. I consider this especially worrying because the adoption of the new constitution and the inauguration of a Government of National Unity has raised expectations concerning radical change for the better in the Sudan, including in Darfur. While fundamental improvements may take time, the reversal of the situation in Darfur and what seems to be a lack of urgency among authorities to address this reversal are not acceptable.

36. I urge the leaders of the rebel movements to definitively choose the road of peace and negotiations rather than that of combat, and to demonstrate a serious interest in substantive peace talks rather than in internal, and selfish, debates

concerning representation and procedures. The movements should clearly show the Sudanese and the international community that their main, and only, preoccupation is the improvement of the life of the people they claim to represent.

37. The international community must put decisive and concerted pressure on the parties to achieve the above objectives. Every effort must be made to halt the violence on the ground, and above all, violence that targets civilians. In addition, those members of the international community with the means and opportunity to influence the posture of the parties, including SLM/A, must try to steer the current round of talks in Abuja towards a positive outcome. This is a crucial moment for Darfur, and no time should be lost.

38. Because of the urgency of the present situation, the international community's efforts must be immediate, coordinated and determined. I reiterate the commitment of the United Nations to do everything possible to help the parties reach a peace agreement before the end of 2005 and to open a new chapter in the history of this long-suffering nation.

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